

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

DELORES MITCHELL

VS .

COMMONWEALTH EDISON COMPANY

Complaint as to overcharge for)
electric service on or around)
August 2001, in Chicago, Illinois.)

Chicago, Illinois
September 19, 2002

Met pursuant to notice at 2:00 p.m.

BEFORE :

MS. LESLIE HAYNES, Administrative Law Judge.

APPEARANCES :

MS. MIRIAM HALLBAUER
3333 West Arthington
Chicago, Illinois 60624
Appearing for the Complainant;

MS. DELORES MITCHELL,
Appearing pro se;

MS. FELICIA FRANCO-FEINBERG
10 South Dearborn, Floor 35
Chicago, Illinois 60603
Appearing for Respondent.

SULLIVAN REPORTING COMPANY, by
Tracy L. Ross, CSR

1 JUDGE HAYNES: Pursuant to the direction of
2 the Illinois Commerce Commission, I now call
3 Docket No. 02-0366, Delores Mitchell versus
4 Commonwealth Edison Company, complaint as to
5 overcharge for electric service on or around
6 August 2001, in Chicago, Illinois.

7 May I have the appearances for the
8 record, please.

9 MS. HALLBAUER: Miriam Hallbauer with Legal
10 Assistance Foundation on behalf of the
11 Complainant, Delores Mitchell.

12 MS. FRANCO-FEINBERG: On behalf of
13 Commonwealth Edison Company, Felicia
14 Franco-Feinberg, Exelon Business Services, 10
15 South Dearborn, Floor 35, Chicago, Illinois
16 60603.

17 JUDGE HAYNES: I have before me a motion to
18 withdraw as counsel from Miss Hallbauer and I
19 intend to rule on that today, but is there
20 anything either the complainant, Miss Mitchell,
21 you'd like to add or --

22 MS. DELORES MITCHELL: About her withdrawing?

1 JUDGE HAYNES: Yeah.

2 MS. DELORES MITCHELL: No.

3 JUDGE HAYNES: You're aware of this then?

4 MS. DELORES MITCHELL: Mm-hmm.

5 JUDGE HAYNES: And you are going to proceed
6 with your claim?

7 MS. DELORES MITCHELL: Mm-hmm.

8 JUDGE HAYNES: Okay. Then I'll grant the
9 motion to withdraw. And I guess we just need to
10 talk about how we're going to proceed with this
11 then.

12 MS. FRANCO-FEINBERG: For the record, your
13 Honor, I think as we indicated the last time we
14 were here, Complainant's former counsel, Miss
15 Hallbauer had served discovery on ComEd. ComEd
16 sometime ago complied and fully responded to the
17 discovery request back on July 15th and provided
18 supplemental responses approximately a week
19 later. ComEd however -- ComEd's discovery,
20 however, remains unanswered. We served our
21 discovery on June 21st, 2002. Miss Mitchell has
22 yet to respond to it, so that's where, I think,

1 procedurally the case stands.

2 JUDGE HAYNES: Do you have those discovery
3 requests?

4 MS. DELORES MITCHELL: Pardon?

5 JUDGE TATE: Do you have those discovery
6 requests?

7 MS. DELORES MITCHELL: Here with me today, no.

8 JUDGE HAYNES: Have you begun compiling the
9 information at all?

10 MS. DELORES MITCHELL: Yes, well, one thing,
11 you know, about my complaint was, like I brought
12 my lease with me, when I first called, I called
13 ComEd several times and I spoke with supervisors
14 over and over again about why was I just -- I was
15 under the impression that I was already paying
16 this bill because it was high then, like I said,
17 my electricity went off. I went to see them and
18 they had gave me so much money on my bill that I
19 was paying in monthly installments that during
20 that time I was messing up, I wasn't, like,
21 constant, you know, with my payments. But during
22 that time I had just lost a son, May 25. He had

1 an asthma attack and died and then my other son
2 had got shot. I was on bed rest. I was taking
3 medication, but I was still constantly calling
4 ComEd every time I got a disconnection notice
5 asking them why all of a sudden I had a bill -- I
6 know when I first got the bill and once he done
7 paid towards that bill, I was paying installments
8 and as the bill was coming down, then all of a
9 sudden, I think it was last year, I think my
10 billing was 125 or something then I got a bill
11 for, like \$5,000.

12 JUDGE HAYES: Okay.

13 MS. HALLBAUER: Your Honor, should my presence
14 be excused since you granted the motion to
15 withdraw?

16 JUDGE HAYNES: I'm sorry. That's fine with
17 me.

18 MS. HALLBAUER: I just don't want to waste
19 anyone's time. If I can be helpful, I will.

20 JUDGE HAYNES: Okay.

21 MS. FRANCO-FEINBERG: Just one point of
22 clarification. I believe Ms. Hallbauer has

1 forwarded ComEd's discovery request to the
2 complainant.

3 MS. HALLBAUER: Yes. For the record she does
4 have a copy of her file.

5 That's right?

6 MS. DELORES MITCHELL: Mm-hmm.

7 JUDGE HAYNES: Okay. When do you think you
8 will provide the answers to the company.

9 MS. DELORES MITCHELL: Like I say, I'm going
10 back to CEDA because after she let me know -- one
11 thing her and me disagree as far as --

12 JUDGE HAYNES: Her who?

13 MS. DELORES MITCHELL: Me and Miss Hallbauer,
14 we disagree as far as what was my main complaint.
15 When I went in, my complaint was that, if I'd
16 been living here and I put in a transfer for my
17 gas (sic) to be transferred at 1309 South Homan,
18 why was they saying that they didn't know where I
19 was at and they gave me another account and they
20 cut my lights and stuff on. I was under mental
21 health during that time. Our whole building was
22 off. I don't know who turned the lights on in

1 the building, but it didn't come from my
2 apartment and I constantly, constantly asked them
3 why was they saying that I wasn't -- they didn't
4 know where I was at when I had my lease with me
5 showing that I'd been there and I'm still at the
6 same apartment and everything.

7 JUDGE HAYNES: We're not going to settle or
8 hear your case today. We're just going to
9 schedule how this will proceed.

10 So you have those --

11 MS. DELORES MITCHELL: What I'm planning on
12 doing, I'm planning on -- the guy from CEDA, when
13 I first took the bill into them, they usually --
14 they always give me a lump sum to put on my bill.
15 They was the one that was complaining and telling
16 me I should go to legal aid because they said,
17 yes -- even if they said that I got this bill,
18 why was I charged all the late charges when I've
19 been at the same place all this time? I did not
20 ask for a new account, I didn't have no idea I
21 had a different account until I got that bill.

22 JUDGE HAYNES: You have a copy of the file

1 from your attorney?

2 MS. DELORES MITCHELL: Right.

3 JUDGE HAYNES: And do you know what the

4 discovery requests are? Do you have that from

5 the company?

6 MS. DELORES MITCHELL: What, as far as what I

7 should bring in?

8 JUDGE HAYNES: Yes. She probably sent you a

9 couple page document asking --

10 MS. DELORES MITCHELL: Right. I went through

11 it and I was going through it last night, but I

12 just don't remember everything exactly, you know.

13 JUDGE HAYNES: There's something in there

14 probably entitled discovery requests.

15 MS. FRANCO-FEINBERG: Yes, it's entitled

16 Commonwealth Edison Company's First Set of Data

17 Requests.

18 MS. DELORES MITCHELL: The one that's

19 confidential?

20 MS. FRANCO-FEINBERG: No. What the

21 Complainant is referring to is, ComEd produced

22 documents that are marked confidential in

1 response to Complainant's discovery requests.

2 What the Judge is referring to, I
3 believe, is discovery that Commonwealth Edison --
4 questions that Commonwealth Edison is asking you
5 to provide information to ComEd and it's a
6 document entitled ComEd's -- Commonwealth Edison
7 Company's First Set of Data Requests.

8 MS. DELORES MITCHELL: Okay.

9 MS. FRANCO-FEINBERG: And I believe that Miss
10 Hallbauer, the Complainant's former counsel
11 indicated that that had been provided to the
12 Complainant.

13 MS. DELORES MITCHELL: It must be in my file
14 then, because there was a lot of stuff I was just
15 going over, but, you know, I did remember
16 reading, you know -- them asking for certain
17 documents.

18 JUDGE HAYNES: Okay. So before we can go any
19 farther, you'll have to provide a written
20 response to those questions to the company.

21 MS. DELORES MITCHELL: I do?

22 JUDGE HAYNES: Yes.

1 MS. DELORES MITCHELL: Okay.

2 JUDGE HAYNES: I don't suppose you have
3 another copy of that?

4 MS. FRANCO-FEINBERG: I'm sorry, I didn't
5 bring one.

6 MS. DELORES MITCHELL: I have all the stuff
7 that she gave me. I have the complete file. I
8 have that with me.

9 MS. FRANCO-FEINBERG: If it would be helpful,
10 your Honor, we're happy to meet with Miss
11 Mitchell afterwards and identify the document to
12 which a response is required.

13 JUDGE HAYNES: Okay.

14 MS. DELORES MITCHELL: That's fine.

15 JUDGE HAYNES: So you'll have to provide
16 written responses to those questions.

17 MS. DELORES MITCHELL: I have a problem,
18 though. I got an appointment for October the
19 1st. I'm supposed to be scheduled for major
20 surgery and I don't know -- I don't know exactly
21 what procedure they gonna do right now, but I
22 supposed to know when I'll be having surgery,

1 October the 1st. So I don't know if I have major
2 surgery, you know it's going to take me a couple
3 month before I can get out again and I don't
4 really know which procedure they're going to do
5 until then; but I can get something in writing
6 from my doctor because I just have one more test
7 to take and then when I see her October the 1st,
8 they'll let me know what type of surgery they
9 planning on doing on...

10 JUDGE HAYNES: Will you be able to provide
11 answers to those questions before you --

12 MS. DELORES MITCHELL: Well, what I was
13 planning on doing is going back to CEDA and
14 seeing if I can get some records from them
15 because they have --

16 JUDGE HAYNES: What is CEDA?

17 MS. DELORES MITCHELL: CEDA is a program that
18 they -- like from September to, like, maybe six
19 months they pay your rental -- like your lights
20 and gas they provide you money on your bill and I
21 have to take my bills in and they see if I'm
22 eligible --

1 JUDGE HAYNES: But if you want to continue
2 with your complaint here, you need to answer
3 those questions for the Company.

4 MS. DELORES MITCHELL: Okay.

5 JUDGE HAYNES: And give them the documents.

6 MS. DELORES MITCHELL: I don't have all my --

7 JUDGE HAYNES: You can just -- if you don't
8 have something, you can just say, I don't have
9 those.

10 MS. DELORES MITCHELL: Right. I just make
11 sure I write a letter stating what I do have or
12 provide.

13 JUDGE HAYNES: And send copies of what you
14 have.

15 MS. DELORES MITCHELL: Okay.

16 JUDGE HAYNES: And if they ask questions about
17 your address -- I don't know what they ask.
18 Could you do that prior to October?

19 MS. DELORES MITCHELL: Yeah, I can do that.

20 JUDGE HAYNES: In the next couple weeks?

21 MS. DELORES MITCHELL: Uh-huh.

22 JUDGE HAYNES: By October 4th could you mail

1 those to the Company's attorney?

2 MS. DELORES MITCHELL: Mm-hmm.

3 JUDGE HAYNES: You did say you could, yes?

4 MS. DELORES MITCHELL: Yes.

5 JUDGE HAYNES: Just for the court reporter's
6 sake.

7 Okay. We're going to schedule another
8 status hearing to find out if all the
9 discovery -- all the questions have been
10 answered. And at that time, we'll schedule the
11 hearing to hear your complaints and you'll
12 provide testimony. And at that time, you'll
13 bring all your documents here to the Commission
14 and if you have any witnesses and -- but we'll
15 hold off on that until discovery is completed,
16 until all the questions are answered between you
17 and the Company's attorney. So we're going to
18 schedule another status hearing like today.

19 JUDGE HAYNES: Are you available October 16th?

20 MS. DELORES MITCHELL: I hope so, because I'm
21 just going to find out October the 1st what my
22 surgery date will be. So it could -- I don't --

1 I doubt it will be that soon, you know, depending
2 on, you know, what opening they have, but I could
3 let you know if I can't -- if I be -- had the
4 surgery by then.

5 JUDGE HAYNES: So we'll schedule this for
6 October 16th at 11:30.

7 Are you available at that time?

8 MS. FRANCO-FEINBERG: Yes. We have the Powell
9 status at 11:00.

10 JUDGE HAYNES: Is that -- are you available
11 then as far as you know?

12 MS. DELORES MITCHELL: As far as I know.

13 JUDGE HAYNES: Okay. So if you can provide
14 those answers to the Company by October 4th and
15 then we'll meet again here on October 16th at
16 11:30.

17 MS. DELORES MITCHELL: Okay. All right.

18 JUDGE HAYNES: Do you have any questions at
19 all?

20 MS. DELORES MITCHELL: No, I think I -- I went
21 over quite a bit with, you know, my counsel, but,
22 you know, we just didn't agree, you know, on the

1 reason from the beginning we did, but I don't
2 know how at the end we got sort of mixed --
3 turned around, but she was under the impression
4 that I was saying that I paid and didn't have
5 proof.

6 JUDGE HAYNES: I mean about the procedure --

7 MS. DELORES MITCHELL: Right. I understand.

8 JUDGE HAYNES: -- how we're going to go ahead
9 with this.

10 MS. FRANCO-FEINBERG: Your Honor, just a point
11 of clarification. It appears -- I'm not certain
12 I'm understanding Miss Mitchell's statements
13 completely, but it appears that she's indicating
14 she disagrees with the claims that are stated in
15 her complaint.

16 MS. DELORES MITCHELL: Yes.

17 MS. FRANCO-FEINBERG: That the basis of her
18 complaint, at least as filed with the Commission,
19 in May is that she alleges that ComEd failed to,
20 I believe, properly credit some or all parts of
21 \$3,509.69 payment made by the Complainant and
22 that is the only claim alleged in her complaint

1 as I read it.

2 MS. DELORES MITCHELL: That's what we disagree
3 about, me and my counsel.

4 JUDGE HAYNES: So you're saying that what's in
5 your complaint is --

6 MS. DELORES MITCHELL: I told her from the
7 beginning this isn't my complaint.

8 JUDGE HAYNES: So this isn't your complaint,
9 this is incorrect.

10 MS. DELORES MITCHELL: No, it isn't. It's
11 incorrect.

12 MS. FRANCO-FEINBERG: Your Honor, if that's
13 the case, it appears this case should be
14 dismissed. Obviously the discovery we have
15 propounded on the Complainant relates to a
16 complaint that it appears Miss Mitchell does not
17 want to pursue.

18 JUDGE HAYNES: Rather than dismissing, perhaps
19 we can amend the complaint. Okay. Do you have a
20 copy of your complaint in front of you?

21 MS. DELORES MITCHELL: This is the complaint
22 here (indicating)?

1 understand all of these. No. 2, when they said I
2 transferred a charge of 11,000 from my previous
3 account.

4 JUDGE HAYNES: Not that you did, but that the
5 Company did.

6 MS. DELORES MITCHELL: You know, when I moved
7 that's what it means, right?

8 JUDGE HAYNES: I assume.

9 MS. DELORES MITCHELL: Now, the third one, an
10 additional charge of 3 -- 3,500 for my current
11 account, I don't know how they came up with that
12 3,500.

13 JUDGE HAYNES: Is that what your complaint is?

14 MS. DELORES MITCHELL: My complaint is from
15 when I left from my previous address, I was under
16 the impression that I was paying that on --
17 during that time, I had got it down to like 125
18 and then, even on my bill, it said 125 or 2
19 something and I had just made \$150.00 payment --

20 JUDGE HAYNES: So was this in August of 2000
21 when you suddenly had a new charge?

22 MS. DELORES MITCHELL: I got the copies here.

1 I'm not sure, but it was August. It was the
2 same week I went to the CEDA program and I was
3 really shocked because then all the rest of it
4 said, bad, bad, bad credit because some of it was
5 like 4,000, 800, you know, and I'm like -- but
6 why is it bad debt? So I called the Company and
7 they said you got two accounts. I had no idea
8 that they gave me two accounts.

9 JUDGE HAYNES: So this is actually accurate
10 then, in August of that year --

11 MS. DELORES MITCHELL: In August, right, of
12 that year.

13 JUDGE HAYNES: -- additional charges showed up
14 that you weren't aware of?

15 MS. DELORES MITCHELL: It just showed up,
16 right, that I wasn't aware of.

17 JUDGE HAYNES: Okay. Is that...?

18 MS. FRANCO-FEINBERG: If that's
19 Miss Mitchell's claim, that's fine. Now that she
20 has indicated that is, in fact, the claim she
21 still intends to pursue.

22 JUDGE HAYNES: Okay. So, then, we'll just

1 proceed as we discussed and you'll have to
2 provide the answers to those questions to the
3 Company and you can keep the room and discuss
4 amongst yourselves, hopefully something can be
5 worked out. Otherwise, I will see you October
6 16th at 11:30 a.m.

7 (Whereupon the hearing in the
8 above-entitled matter was
9 continued until October 16, 2002,
10 at 11:30 a.m.)

11
12
13
14
15
16
17
18
19
20
21
22